FA No. 60 of 2003

Hon'ble B.C. Kandpal, J.

(Misc. Application No. 13195 of 2006)

The appeal has been preferred by the plaintiff/appellant against the judgment and decree dated 25.09.2003 passed by Additional District Judge, Nainital in Original Suit No. 39 of 1998.

The appellant has filed an application along with the affidavit before this Court stating therein that the State Government has now leased out the property in question in favour of the appellant vide lease deed dated 23.10.2005. A copy of the lease deed has also been annexed as annexure – 1 to the accompanying affidavit.

Perusal of the lease deed reveals that the property in question has been leased out in favour of the appellant by the State.

No rebuttal has been filed by the respondents against the document, which has been filed as annexure 1 to the affidavit before this court.

Keeping in view the aforesaid circumstance, I am of the view that the present appeal has become infructuous.

Accordingly, the appeal is dismissed being infructuous.

The stay order, if any, stands vacated.

(B.C. Kandpal, J.)

04.12.2006

ASWAL